



## State of Vermont

Department of Fish and Wildlife  
Department of Forests, Parks and Recreation  
Department of Environmental Conservation  
State Geologist  
Natural Resources Conservation Council  
RELAY SERVICE FOR THE HEARING IMPAIRED  
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*Attaching #2*

**AGENCY OF NATURAL RESOURCES  
Department of Environmental Conservation**

**Public Facilities Division  
103 South Main Street  
Old Cannery Building  
Waterbury, VT 05671-0406**

**TELEPHONE (802) 241-3737  
FACSIMILE (802) 244-4516**

March 14, 1995

Mr. James Younger  
U.S. EPA, Region I  
JFK Federal Building  
Boston, MA 02203

Dear Mr. Younger:

Enclosed for your use is a copy of our "Guidelines for Disadvantage Business Enterprise Procurement" which has been issued to my staff.

I feel the procedures outlined in this document will enable our people to recruit, review and respond to the Federal Requirements pertaining to Minority and Women Business Enterprises in the spirit which they were discussed during our conference in Concord.

I would like to thank you and the rest of the group from Region I for all their help and cooperation not only during the final meeting but back through December 1993 when we first started.

Sincerely,

William C. Brierley, Acting Commissioner  
Department of Environmental Conservation

pc Dwight S. Weller, Public Facilities Division  
Frederick J. Costello, Director, Public Facilities Division  
Canute Dalmasse, Director of Water Resources

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## DISADVANTAGED BUSINESS ENTERPRISE PROCUREMENT PROCEDURE

1-2 Months Prior  
to Advertisement

Pre-Advertisement Phase

Municipality receives guidance from the State Public Facilities Division (PFD) and list of Disadvantaged Business Enterprises (DBEs) to be solicited as a minimum for each contract to be bid. The DBE list will be based on the master list developed by the PFD from the Vermont Agency of Transportation, the Small Business Association, the Minority Business Development Agency, and the National Association of Women in Construction information.

Normally 30 Calendar Days  
or More Prior to Bid  
Advertisement

Municipality mails a copy of the contract advertisement to each DBE on the list along with response instructions.

Municipality sends letter to each DBE notifying him/her of tentative bid date of project, requesting notice of interest, and identifying where to review plans and have questions answered or get list of general contractors taking out bid documents.

DBE notifies municipality (preferably in writing) of their interest prior to 14th calendar day of advertisement.

14th Calendar Day  
After Advertisement

Municipality compiles list of all interested DBE who have notified them prior to 14th day of advertisement. Sends all DBEs who indicated an interest, a copy of the list of contractors who take out plans and specifications.

15th Calendar Day  
After Advertisement

Municipality mails out addendum which lists all interested DBEs to bidders who are required to make positive effort. to negotiate service/supply subagreements with these firms, and to contact all listed DBE by certified mail, return receipt requested.

25th Calendar Day  
After Advertisement

The DBE has until the 25th calendar day to notify the contractor by certified mail of his/her intent to bid (bid not necessary at this time). If at this time the contractor has not received this letter, no other communications initiated by the contractor is necessary.

Bid Opening Date

Valid bids include listing of all DBE firms to be used on Schedule A of the Bid Form and completion of the DBE Solicitation Certification of the Bid Form. Failure to fill out Schedule A and the DBE Solicitation Certification completely will cause the bidder to be determined non-responsive.

Apparent low bidder will be required to submit Schedule B and supportive DBE Affirmative Procurement Procedure documentation no later than 5 calendar days after bid opening.

No Later Than 7th  
Calendar Day After  
Bid Date

Municipality reviews DBE documentation to determine if low bidder's positive effort is satisfactory. Bidders failing to submit Schedule B and supportive documentation will be determined non-responsive to bidding requirements and have bid rejected. If low bidder is rejected, second low bidder will be required to submit Schedule B and supportive documentation no later than 7 calendar days after notice from Municipality.

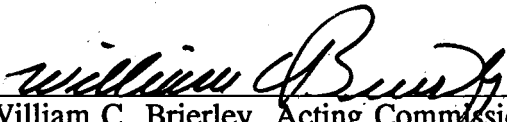
Municipality Approves  
and sends to State

Complete documentation, and letter from  
Municipality requesting State approval of  
DBE effort of Contractor sent to DEC..

State (DEC) makes  
decision for Approval  
or Disapproval

State screens information for compliance  
with DBE Affirmative Procurement  
Procedure. State has 7 calendar days to  
review. If incomplete, State notifies  
Municipality of information needed. If  
satisfactory, approval is made by letter. If  
unsatisfactory, State will not concur in  
award of contract.

Adopted this 14<sup>th</sup> day of March, 1995

  
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William C. Brierley, Acting Commissioner  
Department of Environmental Conservation

Office of the Commissioner  
103 South Main Street  
Building 1 South  
Waterbury, Vermont 05671-0401

(802) 241-3800

## MEMORANDUM

TO: Division Directors

FROM: William C. Brierley, Acting Commissioner

DATE: March 14, 1995

SUBJECT: State Disadvantaged Business Enterprise (DBE) Procedures

Federal law P.L. 101-507 requires that recipients of federal grant funds undertake their best efforts to award at least 8% of the federal grant amounts to DBEs. The Department has the responsibility to carry out this requirement in the award of personal services contracts awarded to private or public sector contractors where their contracts are supported with federal funds. The procedure attached has been adopted to insure department personnel carry out the necessary steps to provide these DBEs adequate notice of contracting opportunities with the department.

Please insure that your staff are conversant with and carry out the steps required in this procedure. The Public Facilities/Agency Facilities Division will provide briefings and training of your respective staffs with respect to implementing this procedure. Questions should be directed to Dwight Weller at 241-3752.

Agency of Natural Resources  
Department of Environmental Conservation  
Office of the Commissioner.

DISADVANTAGED BUSINESS ENTERPRISES (DBE)

STATE POLICY

There will be three (3) new categories, \$10,000.00 through \$100,000.00, under \$10,000.00 and below \$1,000.00 (\$2,500.00 construction only).

Procurements above \$100,000.00 will use the Interim Disadvantaged Business Enterprise Procurement Procedure adopted October 31, 1994.

- I. Procurements \$10,000.00 through \$100,000.00 are to be placed on the Electronic Bulletin Board (EBB) a minimum of three (3) weeks prior to accepting proposals.
  - i. All proposals will contain the information on the criteria by which the selection will be made.
  - ii. Upon State Purchasing Placement of the request on the EBB the originating Division procurement official (design engineer, manager, etc.) will use the current Public Facilities DBE solicitation list to contact the applicable DBE by mail or fax and offer them the opportunity to respond to this request.
  - iii. This request will be directed to the DBE and will take place no later than one day after the request for response has been placed on the EBB.
  - iv. A log will be kept pertaining to any and all contacts with DBEs during the solicitation and response phase and will be part of the contract package.
- II. Procurements under \$10,000.00 are to be advertised on the EBB a minimum of two weeks.
  - i. All proposals will contain the information on criteria by which the selection will be made.
  - ii. Where time constraints or other exigency do not permit normal use of the EBB the Division procurement official may select appropriate DBEs from the solicitation list and contact them by facsimile or telephone to offer them the opportunity to respond to the procurement request.
  - iii. This offer will be proposed to the DBE at the same time this request is made to any other party.
  - iv. A log will be kept as above.

- III. Procurement under \$1,000.00 (\$2,500.00 construction only), the Division procurement official will attempt to obtain the services of a DBE by either placing request on EBB for one week or. requesting a proposal by phone.
- i. A log shall be kept as above.

By: William C. Brierley  
William C. Brierley  
Acting Commissioner  
Department of Environmental Conservation

Date: 14 March '85